

IC 9-27-4

Chapter 4. Commercial Driver Training Schools

IC 9-27-4-1

Application of chapter

Sec. 1. This chapter does not apply to the following:

- (1) A person giving driver training lessons without charge.
- (2) Employers maintaining driver training schools without charge for their employees only.
- (3) Schools or classes conducted by colleges, universities, and high schools for regularly enrolled students.

As added by P.L.2-1991, SEC.15.

IC 9-27-4-1.5

"College" defined

Sec. 1.5. As used in this chapter, "college" means an accredited college, a technical college, a university, or a junior college.

As added by P.L.87-1996, SEC.2.

IC 9-27-4-2

"Commercial driver training school" or "school" defined

Sec. 2. (a) As used in this chapter, "commercial driver training school" or "school" means a business enterprise that:

- (1) is conducted by an individual, an association, a partnership, a limited liability company, or a corporation for the education and training of persons, either practically or theoretically, or both, to operate or drive motor vehicles or to prepare an applicant for an examination or validation given by the bureau for a driver's license; and
- (2) charges consideration or tuition for the provision of services.

(b) As used in this chapter, "commercial driver training school" or "school" does not include a business enterprise that:

- (1) educates or trains a person; or
- (2) prepares a person for an examination or a validation given by the bureau;

to operate or drive a motor vehicle as a vocation.

As added by P.L.2-1991, SEC.15. Amended by P.L.96-1991, SEC.17; P.L.8-1993, SEC.176.

IC 9-27-4-3

"Instructor" defined

Sec. 3. As used in this chapter, "instructor" means the following:

- (1) An individual, whether acting as the operator of a commercial driver training school or on behalf of a commercial driver training school, who for compensation teaches, conducts classes of, gives demonstrations to, or supervises the practice of individuals learning to operate or drive motor vehicles or preparing to take an examination for a driver's license.
- (2) An individual who supervises the work of an instructor.

As added by P.L.2-1991, SEC.15.

IC 9-27-4-4

Commercial driver training school licenses; rules stating requirements for license

Sec. 4. (a) To establish or operate a commercial driver training school, the school must obtain a license from the bureau in the manner and form prescribed by the bureau.

(b) Subject to subsection (c), the bureau shall adopt rules under IC 4-22-2 that state the requirements for obtaining a school license, including the following:

- (1) Location of the school.
- (2) Equipment required.
- (3) Courses of instruction.
- (4) Instructors.
- (5) Previous records of the school and instructors.
- (6) Financial statements.
- (7) Schedule of fees and charges.
- (8) Character and reputation of the operators and instructors.
- (9) Insurance in the amount and with the provisions the bureau considers necessary to adequately protect the interests of the public.
- (10) Other matters the bureau prescribes for the protection of the public.

(c) The rules adopted under subsection (b) must permit a licensed school to conduct classroom training in a county outside the county where the school is located to the students of:

- (1) a school corporation (as defined in IC 36-1-2-17);
- (2) a nonpublic secondary school that voluntarily becomes accredited under IC 20-1-1-6; or
- (3) a nonpublic secondary school recognized under IC 20-1-1-6.2;

if the governing body of the school corporation or the nonpublic secondary school approves the delivery of the training to its students.

As added by P.L.2-1991, SEC.15. Amended by P.L.48-2004, SEC.8.

IC 9-27-4-5 Repealed

(Repealed by P.L.87-1996, SEC.5.)

IC 9-27-4-5.5

Driver training instructor licenses; educational requirements

Sec. 5.5. (a) To receive an instructor's license under subsection (d), an individual must complete at least sixty (60) semester hours at a college. The individual must complete at least twelve (12) semester hours in driver education courses, of which three (3) semester hours must consist of supervised student teaching experience under the direction of an individual who has:

- (1) a driver and traffic safety education endorsement issued by the professional standards board established by IC 20-1-1.4; and
- (2) at least five (5) years of teaching experience in driver

education.

(b) The three (3) semester hours of supervised student teaching experience required under subsection (a) may only be undertaken by an individual who will be at least twenty-one (21) years of age upon completion and may only be performed at a high school, a commercial driving school, or the college providing the courses for the individual to become an instructor. The remaining nine (9) hours of driver education courses required under subsection (a) must include a combination of theoretical and behind-the-wheel instruction that is consistent with nationally accepted standards in traffic safety.

(c) The driver education semester hours required under subsection (a) do not satisfy the requirements of subsection (d) or (e) unless the driver education curriculum is approved by the commission for higher education.

(d) The bureau shall issue an instructor's license to an individual who satisfies all of the following:

- (1) The individual meets the requirements of subsection (a).
- (2) The individual does not have more than the maximum number of points for violating traffic laws specified by the bureau by rules adopted under IC 4-22-2.
- (3) The individual has a good moral character, physical condition, knowledge of the rules of the road, and work history. The bureau shall adopt rules under IC 4-22-2 that specify the requirements, including requirements about criminal convictions, necessary to satisfy the conditions of this subdivision.

(e) The bureau shall issue an instructor's license to an individual who:

- (1) during 1995, held an instructor's license;
- (2) meets the requirements of subsection (d)(2) and (d)(3); and
- (3) completes the twelve (12) semester hours of driver education courses required under subsection (a) not later than July 1, 1999.

However, an individual who has acted as an instructor for at least two (2) years before January 1, 1996, is not required to complete the requirements of subdivision (3) in order to receive an instructor's license under this subsection.

(f) The bureau shall issue an instructor's license to an individual who:

- (1) holds a driver and traffic safety education endorsement issued by the professional standards board established under IC 20-1-1.4; and
- (2) meets the requirements of subsection (d)(2) and (d)(3).

(g) Only an individual who holds an instructor's license issued by the bureau under subsection (d), (e), or (f) may act as an instructor.
As added by P.L.87-1996, SEC.3.

IC 9-27-4-6

License expiration; renewal; application; fee; refund

Sec. 6. (a) A license expires on the last day of the fiscal year and may be renewed upon application to the bureau as prescribed by rule. Each application for an original or renewal school license or instructor's license must be accompanied by payment of the license fee prescribed in IC 9-29-12.

(b) A license fee may not be refunded if the license application is rejected or the license is suspended or revoked.

As added by P.L.2-1991, SEC.15.

IC 9-27-4-7

Administration and enforcement of chapter; rules; assistance of superintendent of public instruction

Sec. 7. (a) The bureau shall adopt rules under IC 4-22-2 that are necessary to administer and enforce this chapter and to protect the public.

(b) The bureau shall do the following:

(1) Inspect the following:

(A) School facilities.

(B) Equipment of applicants and licensees.

(2) Examine applicants for instructor's licenses.

(c) The bureau shall administer and enforce this chapter and may request assistance from the superintendent of public instruction in developing and formulating appropriate rules.

As added by P.L.2-1991, SEC.15.

IC 9-27-4-8

Cancellation, suspension, revocation, or refusal to issue or renew license for chapter or rule violations; returning license

Sec. 8. (a) The bureau may:

(1) cancel;

(2) suspend;

(3) revoke;

(4) refuse to issue; or

(5) refuse to renew;

a school license or an instructor's license if the bureau finds that a licensee or an applicant has not complied with or has violated this chapter or a rule adopted by the bureau under this chapter.

(b) The person who holds a license that has been canceled, suspended, or revoked under this section shall return the license to the bureau.

As added by P.L.2-1991, SEC.15.

IC 9-27-4-9

Revocation, suspension, or refusal to renew license for absence of continued qualification for license or for willful violation of chapter or rule; notice and hearing

Sec. 9. The bureau, after due notice and opportunity for a fair hearing, may revoke, suspend, or refuse to renew a license issued under this chapter if it is shown that the person who holds the license:

- (1) no longer meets the requirements necessary to obtain the license; or
- (2) has willfully violated this chapter or a rule adopted by the bureau.

As added by P.L.2-1991, SEC.15.

IC 9-27-4-10

Classification of chapter violations

Sec. 10. A person who violates this chapter commits a Class C infraction.

As added by P.L.2-1991, SEC.15.